

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James P. Reilly

Group Art Unit: 2881

Serial No.: 09/324,098

Examiner: Nguyen, K. T

Filed: June 1, 1999

Atty. Doc. No.: 140-035

For: SPATIAL-VELOCITY CORRELATION FOCUSING IN TIME-OF-FLIGHT MASS
SPECTROMETRY

Mail Stop Petition
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF ABANDONED
APPLICATION UNDER 37 C.F.R. 1.137(b)**

This is a petition for revival of an abandoned application under 37 C.F.R. § 1.137(b), abandoned for unintentional delay in responding to the Office Action mailed December 20, 2004. The undersigned states that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. The petition fee is enclosed herein.

01/29/2010 SDENB083 00000066 09324098

01 FC:1453

1620.00 OP

Should any changes to the petition be deemed necessary to reinstate the application, the Commissioner is respectfully requested to contact the undersigned to discuss the same.

Date:

1/27/10

Respectfully Submitted,



David M. Hill
Reg. No. 46,170
Ward & Olivo
380 Madison Avenue
New York, New York 10017
212-697-6262



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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: INDIANA UNIVERSITY RESEARCH AND TECHNOLOGY CORPORATIONApplication No./Patent No.: 5,715,479Filed/Issue Date: January 27, 1998Titled: SPATIAL-VELOCITY CORRELATION FOCUSING IN TIME-OF-FLIGHT MASS SPECTROMETRYINDIANA UNIVERSITY RESEARCH AND TECHNOLOGY, a CORPORATION

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: INDIANA UNIVERSITY FOUNDATION To: ADVANCED RESEARCH & TECHNOLOGY

The document was recorded in the United States Patent and Trademark Office at
Reel 008861, Frame 0293, or for which a copy thereof is attached.

2. From: ADVANCED RESEARCH AND TECHNOLOGY To: INDIANA RESEARCH AND TECHNOLOGY

The document was recorded in the United States Patent and Trademark Office at
Reel 015612, Frame 0834, or for which a copy thereof is attached.

3. From: ADVANCED RESEARCH AND TECHNOLOGY To: INDIANA UNIVERSITY RESEARCH AND TECHNOLOGY

The document was recorded in the United States Patent and Trademark Office at
Reel 015642, Frame 0730, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

- ☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

David M. Hill

Printed or Typed Name

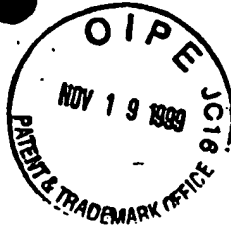
Date

Attorney

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

140-035

As a below named inventor, I hereby declare that:
My residence, post office address and citizenship are stated below next to my name.
I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,712,479, granted January 27, 1998, and for which a reissue patent is sought on the invention entitled SPATIAL-VELOCITY CORRELATION FOCUSING IN TIME-OF-FLIGHT MASS SPECTROMETRY

the specification of which

☒ is attached hereto.

☐ was filed on _____ as reissue application number ____ / _____
and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described as follows:

Subject matter described in the specification as originally filed was mistakenly omitted from the claims.

New claims 13 through 25, which have been copied from Vestal et al. U.S. Patent No. 5,760,393, which issued on June 2, 1998, are also fully supported by the specification as originally filed.

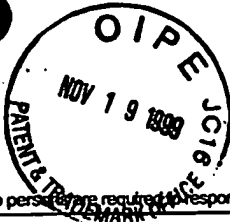
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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)		Docket Number (Optional) 140-035	
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.			
Name(s)		Registration Number	
John W. Olivo Jr., Esq.		35,634	
John F. Ward, Esq.		33,811	
Correspondence Address: Direct all communications about the application to:			
<input type="checkbox"/> Customer Number		<div style="border: 1px solid black; width: 150px; height: 20px; display: inline-block;"></div> → <div style="border: 1px solid black; padding: 5px; width: 150px;">Place Customer Number Bar Code Label here</div>	
OR		Type Customer Number here	
<input checked="" type="checkbox"/> Firm or Individual Name	Ward & Olivo		
Address	708 Third Avenue		
Address			
City	New York	State	NY
Country	USA		
Telephone	(212) 697-6262	Fax	(212) 972-5866
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.			
Full name of sole or first inventor (given name, family name) James P. Reilly			
Inventor's signature <i>James P. Reilly</i>			
Residence	Bloomington, Indiana, USA	Date	November 12, 1999
Post Office Address	1001 Nota Drive Bloomington In 47401	Citizenship	USA
Full name of second joint inventor (given name, family name) Steven M. Colby			
Inventor's signature		Date	
Residence		Citizenship	
Post Office Address			
Full name of third joint inventor (given name, family name) Timothy B. King			
Inventor's signature		Date	
Residence		Citizenship	
Post Office Address			
<input type="checkbox"/> Additional joint inventors are named on separately numbered sheets attached hereto.			



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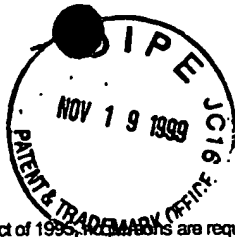
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Address			
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.			
Full name of sole or first inventor (given name, family name) James P. Reilly			
Inventor's signature			
Residence	Date		
Post Office Address	Citizenship		
Full name of second joint inventor (given name, family name) Steven M. Colby			
Inventor's signature		Date Nov. 09, 1999	
Residence 1385 San Domingue Dr. Mountain View, CA 94043		Citizenship USA	
Post Office Address Same			
Full name of third joint inventor (given name, family name) Timothy B. King			
Inventor's signature		Date	
Residence	Citizenship		
Post Office Address			
<input type="checkbox"/> Additional joint inventors are named on separately numbered sheets attached hereto.			



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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)		Docket Number (Optional) 140-035	
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OR			
<input checked="" type="checkbox"/> Firm or Individual Name	Ward & Olivo		
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Country	USA		
Telephone	(212) 697-6262	Fax	(212) 972-5866
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Inventor's signature			
Residence		Date	
Post Office Address		Citizenship	
Full name of second joint inventor (given name, family name) Steven M. Colby			
Inventor's signature		Date	
Residence		Citizenship	
Post Office Address			
Full name of third joint inventor (given name, family name) Timothy B. King			
Inventor's signature		Date November 11, 1999	
Residence EDMONDS WA, USA		Citizenship US	
Post Office Address 23306 Edmonds Way, Apt. G105, Edmonds, WA 98026			
<input type="checkbox"/> Additional joint inventors are named on separately numbered sheets attached hereto.			



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REISSUE APPLICATION DECLARATION BY THE ASSIGNEE		Docket Number (Optional) 140-035
<p>I hereby declare that: My residence, post office address and citizenship are stated below next to my name. I am authorized to act on behalf of the following company: <u>Advanced Research & Technology Institute, Inc.</u> and the title of my position with said company is: <u>President</u> The entire title to the patent identified below is vested in said company.</p>		
Name of Patentee(s): <u>James P. Reilly; Steven M. Colby; Timothy B. King</u>		
Patent Number <u>5,712,479</u>	Date Patent Issued <u>January 27, 1998</u>	
Title of Invention <u>Spatial-Velocity Correlation Focusing in Time-of-flight Mass Spectrometry</u>		
<p>I believe said patentee(s) to be the original, first and sole or joint inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled <u>Spatial-Velocity Correlation Focusing in Time-of-Flight Mass Spectrometry</u> the specification of which</p> <p><input type="checkbox"/> is attached hereto.</p> <p><input checked="" type="checkbox"/> was filed on <u>June 1, 1999</u> as reissue application number <u>09/ 324,098</u> and was amended on _____ (If applicable)</p> <p>I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.</p> <p>I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.</p> <p>I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)</p> <p><input type="checkbox"/> by reason of a defective specification or drawing.</p> <p><input checked="" type="checkbox"/> by reason of the patentee claiming more or less than he had the right to claim in the patent.</p> <p><input type="checkbox"/> by reason of other errors.</p> <p>At least one error upon which reissue is based is described as follows:</p> <p>Subject matter described in the specification as originally filed was mistakenly omitted from the claims.</p> <p>New claims 13 through 25, which have been copied from Vestal et al. U.S. Pat. No. 5,760,393, which issued on June 2, 1998, are also fully supported by the specification as originally filed./</p>		

[Page 1 of 2]

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(REISSUE APPLICATION DECLARATION BY THE ASSIGNEE, page 2)

Docket Number (Optional)

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I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Name(s)

Registration Number

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35,634

John F. Ward

33,811

Correspondence Address: Direct all communications about the application to:

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OR

Firm or
Individual
Name

WARD & OLIVO

Address

708 Third Avenue

Address

City

New York

State

NY

ZIP

10017

Country

USA

Telephone

(212) 697-6262

Fax

(212) 972-5866

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of person signing (given name, family name)

Ronald D. Henriksen

Signature

Ronald D. Henriksen

Date

November 11, 1999

Residence

Avon, Indiana

Citizenship

USA

Post Office Address

6642 E. CR 200N

Avon, IN 46123